

Gary M. Hoffman (*Pro Hac Vice*)  
Kenneth W. Brothers(*Pro Hac Vice*)  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403  
Phone (202) 420-2200  
Fax (202) 420-2201

Edward A. Meilman (*Pro Hac Vice*)  
DICKSTEIN SHAPIRO LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
Phone (212) 277-6500  
Fax (212) 277-6501

Jeffrey B. Demain, State Bar No. 126715  
Jonathan Weissglass, State Bar No. 185008  
ALTSHULER, BERZON, NUSSBAUM, RUBIN & DEMAINE  
177 Post Street, Suite 300  
San Francisco, California 94108  
Phone (415) 421-7151  
Fax (415) 362-8064

Attorneys for Ricoh Company, Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICOH COMPANY, LTD.,  
Plaintiff,

vs.

AEROFLEX ET AL,  
Defendants.

CASE NO. CV 03-4669 MJJ (EMC)

CASE NO. CV 03-2289 MJJ (EMC)

SYNOPSISYS, INC.,  
Plaintiff,

vs.

RICOH COMPANY, LTD.,  
Defendant.

**DECLARATION OF KENNETH W.  
BROTHERS IN SUPPORT OF RICOH'S  
NINE OPPOSITIONS TO DEFENDANTS'  
SUMMARY JUDGMENT MOTIONS**

1 Kenneth W. Brothers declares as follows:

2 1. My name is Kenneth W. Brothers, an attorney with the law firm of Dickstein Shapiro  
3 LLP, counsel for Ricoh Company Limited. I am over the age of 21 and am competent to make this  
4 declaration. This declaration is submitted in support of Ricoh's nine oppositions to the August 18, 2006  
5 summary judgment motions filed by the Aeroflex defendants and / or Synopsys. Based on my personal  
6 knowledge and information except as stated upon information and belief, I hereby declare to all the facts  
7 in this declaration.

8 2. Attached as Exhibit 1 is a true and correct copy of Ricoh's Motion to Show Cause, dated  
9 February 21, 2006.

10 3. Attached as Exhibit 2 is a true and correct copy of this Court's November 7, 2005 Order  
11 Denying Defendants' Motion for Partial Summary Judgment for Non-Infringement.

12 4. Attached as Exhibit 3 is a true and correct copy of Expert Report of R. Fred Lipscomb,  
13 dated June 23, 2006, submitted on behalf of Ricoh.

14 5. Attached as Exhibit 4 is a true and correct copy of Ricoh's Written Expert Report of  
15 Donald Soderman on Infringement by Aeroflex, dated June 23, 2006, submitted on behalf of Ricoh.

16 6. Attached as Exhibit 5 is a true and correct copy of Ricoh's Written Expert Report of  
17 Donald Soderman on Infringement by AMI, dated June 26, 2006, submitted on behalf of Ricoh.

18 7. Attached as Exhibit 6 is a true and correct copy of Ricoh's Written Expert Report of  
19 Donald Soderman on Infringement by Matrox, dated June 23, 2006, submitted on behalf of Ricoh.

20 8. Attached as Exhibit 7 is a true and correct copy of Ricoh's Expert Report of Marios  
21 Papaefthymiou on Infringement by Aeroflex, dated June 23, 2006, submitted on behalf of Ricoh.

22 9. Attached as Exhibit 8 is a true and correct copy of Ricoh's Expert Report of Marios  
23 Papaefthymiou on Infringement by AMI, dated June 23, 2006, submitted on behalf of Ricoh.

24 10. Attached as Exhibit 9 is a true and correct copy of Ricoh's Expert Report of Marios  
25 Papaefthymiou on Infringement by Matrox, June 23, 2006, submitted on behalf of Ricoh.

26 11. Attached as Exhibit 10 is a true and correct copy of Deposition Transcript of R. Fred  
27 Lipscomb, dated August 16, 2006.

1 12. Attached as Exhibit 11 is a true and correct copy of Expert Report of Michael J. Wagner,  
2 dated July 24, 2006, submitted on behalf of Defendants.

3 13. Attached as Exhibit 12 is a true and correct copy of Edward Dwyer Deposition Transcript  
4 of, dated July 27, 2006, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of the Matrox  
5 defendants.

6 14. Attached as Exhibit 13 is a true and correct copy of Second Supplemental Product  
7 Declaration of Eric Boisvert of Matrox Electronic Systems, dated May 10, 2006.

8 15. Attached as Exhibit 14 is a true and correct copy of Amended Stipulation and Order re  
9 Supplemental Production in Accordance with Judge Chen's April 20, 2006 Order, dated May 5, 2006.

10 16. Attached as Exhibit 15 is a true and correct copy of Ricoh's August 18, 2006 Motion for  
11 Summary Judgment on Aeroflex's Affirmative Defense of "Authorization and Consent."

12 17. Attached as Exhibit 16 is a true and correct copy of Hisashi Ishijima Deposition  
13 Transcript of Hisashi Ishijima, dated April 19, 2006, who was deposed by Defendants as a Rule 30(b)(6)  
14 witness on behalf of Ricoh.

15 18. Attached as Exhibit 17 is a true and correct copy of Hisashi Ishijima Deposition  
16 Transcript, dated May 12, 2006, who was deposed by Defendants as a Rule 30(b)(6) witness on behalf  
17 of Ricoh.

18 19. Attached as Exhibit 18 is a true and correct copy of Order Granting in Part and Denying  
19 in Part Defendants' Motion for Leave to Amend Their Answers and Counterclaims, dated December 12,  
20 2005.

21 20. Attached as Exhibit 19 is a true and correct copy of Answer and Counterclaims of  
22 Defendant AMI Semiconductor, Inc. to Amended Complaint for Patent Infringement, dated April 26,  
23 2004.

24 21. Attached as Exhibit 20 is a true and correct copy of Defendants Motion for Leave to  
25 Amend Their Answers and Counterclaims, dated November 8, 2005.

26 22. Attached as Exhibit 21 is a true and correct copy of Stipulation and Order Dismissing  
27 Certain Claims, dated July 7, 2004.

23. Attached as Exhibit 22 is a true and correct copy of the February 28, 2006 Order re Joint Letter of February 9, 2006.

24. Attached as Exhibit 23 is a true and correct copy of Hideaki Kobayashi Deposition Transcript, dated May 15, 2006, who was deposed by Defendants.

25. Attached as Exhibit 24 is a true and correct copy of Tooru Ozeki Deposition Transcript, dated June 3, 2006, who was deposed by Defendants.

26. Attached as Exhibit 25 is a true and correct copy of the Takada Memo (RCL 001957B-1961B). This document was produced from Ricoh's filed and was created and maintained in the ordinary course of Ricoh's business.

27. Attached as Exhibit 26 is a true and correct copy of U.S. Patent No. 4,922,432 (RCL 000266-287).

28. Attached as Exhibit 27 is a true and correct copy of Expert Report of Albert E. Casavant, dated July 24, 2006, submitted on behalf of Defendants.

29. Attached as Exhibit 28 is a true and correct copy of the April 7, 2005 Claim Construction Order.

30. Attached as Exhibit 29 is a true and correct copy of Ricoh's Patent Final Contentions, comprising 67 individual exhibits. Exhibit nos. 1-64 were served on March 24, 2006. As permitted by this Court's Order, Exhibits 65-67 were served on June 23, 2006.

31. Attached as Exhibit 30 is a true and correct copy of DesignWare Technical Bulletin – Oct 97 (RCL 003371-3378). This document was prepared by Synopsys, distributed to its customers in the ordinary course of its business, and was obtained by Ricoh from Synopsys.

32. Attached as Exhibit 31 is a true and correct copy of Ricoh's Written Report of Donald Soderman in Rebuttal to Reports of Kowalski, Mitchell, and Van Horn, dated July 24, 2006.

33. Attached as Exhibit 32 is a true and correct copy of Donald Soderman Deposition Transcript, dated August 14, 2006.

34. Attached as Exhibit 33 is a true and correct copy of Donald Soderman Deposition Transcript, dated August 15, 2006.

1 35. Attached as Exhibit 34 is a true and correct copy of Expert Report of Tom M. Mitchell,  
2 dated June 26, 2006, submitted on behalf of Defendants.

3 36. Attached as Exhibit 35 is a true and correct copy of Defendants' Final Invalidity  
4 Contentions Exhibit 16, which was served upon Ricoh on April 24, 2006.

5 37. Attached as Exhibit 36 is a true and correct copy of Defendants' Final Invalidity  
6 Contentions Exhibit 17, which was served upon Ricoh on April 24, 2006..

7 38. Attached as Exhibit 37 is a true and correct copy of an e-mail from P. Kasenenko,  
8 secretary to Denise De Mory, counsel for Defendants to me and to D. De Mory, dated August 21, 2006.

9 39. Attached as Exhibit 38 is a true and correct copy of Darringer '435 Patent (DEF  
10 0012503-12518).

11 40. Attached as Exhibit 39 is a true and correct copy of the Prosecution History for the '432  
12 Patent (RCL 000001-265).

13 41. Attached as Exhibit 40 is a true and correct copy of Deposition Transcript of M.  
14 Papaefthymiou Deposition Transcript, dated August 11, 2006.

15 42. Attached as Exhibit 41 is a true and correct copy of U.S. Patent No. 5,696,771.

16 43. Attached as Exhibit 42 is a true and correct copy of U.S. Patent No. 6,601,024.

17 44. Attached as Exhibit 43 is a true and correct copy of D. Hanford Deposition Transcript,  
18 dated January 27, 2004, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of Synopsys.

19 45. Attached as Exhibit 44 is a true and correct copy of D. Gregory Deposition Transcript,  
20 dated April 21, 2004, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of Synopsys.

21 46. Attached as Exhibit 45 is a true and correct copy of K. Pieper Deposition Transcript,  
22 dated December 12, 2005, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of Synopsys.

23 47. Attached as Exhibit 46 is a true and correct copy of D. Tran Deposition Transcript, dated  
24 December 16, 2005, who was deposed by Ricoh.

25 48. Attached as Exhibit 47 is a true and correct copy of J. Adams Deposition Transcript,  
26 dated December 21, 2005, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of Synopsys.

27 49. Attached as Exhibit 48 is a true and correct copy of P. Zepter Deposition Transcript,  
28 dated December 22, 2006, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of Synopsys.

1           50. Attached as Exhibit 49 is a true and correct copy of P. Milliken Deposition Transcript,  
2 January 20, 2006, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of the Aeroflex  
3 entities.

4           51. Attached as Exhibit 50 is a true and correct copy of D. Chiappini Deposition Transcript,  
5 dated February 23, 2006, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of the Matrox  
6 entities.

7           52. Attached as Exhibit 51 is a true and correct copy of B. Kalyanpur Deposition Transcript,  
8 dated May 9, 2006, who was deposed by Ricoh on behalf of Synopsys.

9           53. Attached as Exhibit 52 is a true and correct copy of the Darringer Ph.D. Thesis.

10          54. Attached as Exhibit 53 is a true and correct copy of Exhibit 1 to Ricoh's Written Report  
11 of Donald Soderman on Infringement.

12          55. Attached as Exhibit 54 is a true and correct copy of a presentation introducing and  
13 summarizing KBS Corporation, with a copyright date of 1992, Bates numbered DAVIS02-001274-1293,  
14 and which was produced from the files of James P. Davis, KBSC's Vice President and COO. On  
15 information and belief, this document was created and maintained in the regular course of KBSC's  
16 business.

17          56. Attached as Exhibit 55 is a true and correct copy of H. Kobayashi Deposition Transcript,  
18 dated May 24, 2006, who was deposed by Defendants.

19          57. Attached as Exhibit 56 is a true and correct copy of H. Kobayashi Deposition Transcript,  
20 dated May 25, 2005, who was deposed by Defendants.

21          58. Attached as Exhibit 57 is a true and correct copy of T. Takada Deposition Transcript,  
22 dated April 17, 2006, who was deposed by Defendants as a Rule 30(b)(6) of Ricoh.

23          59. Attached as Exhibit 58 is a true and correct copy of T. Takada Deposition Transcript,  
24 dated April 18, 2006, who was deposed by Defendants as a Rule 30(b)(6) of Ricoh.

25          60. Attached as Exhibit 59 is a true and correct copy of E. Olson Deposition Transcript, dated  
26 August 2, 2005.

27          61. Attached as Exhibit 60 is a true and correct copy of C Warren Deposition Transcript,  
28 June 6, 2006, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of Synopsys.

62. Attached as Exhibit 61 is a true and correct copy of Z. Oka Deposition Transcript, April 20, 2006, who was deposed by Defendants as a Rule 30(b)(6) of Ricoh.

63. Attached as Exhibit 62 is a true and correct copy of Z. Oka Deposition Transcript, April 21, 2006, who was deposed by Defendants as a Rule 30(b)(6) of Ricoh.

64. Attached as Exhibit 63 is a true and correct copy of Z. Oka Deposition Transcript, dated May 25, 2006, who was deposed by Defendants as a Rule 30(b)(6) of Ricoh.

65. Attached as Exhibit 64 is a true and correct copy of Z. Oka Deposition Transcript, dated May 26, 2006, who was deposed by Defendants as a Rule 30(b)(6) of Ricoh.

66. Attached as Exhibit 65 is a true and correct copy of S. Foo Deposition Transcript, dated May 31, 2006, who was deposed by Ricoh.

67. Attached as Exhibit 66 is a true and correct copy of S. Foo Master Thesis (FOO 000308-156), produced by Mr. Foo.

68. Attached as Exhibit 67 is a true and correct copy of "A Framework for Managing VLSI CAD Data" - Kobayashi/Foo (KBSC 904-913), produced from the files of KBSC.

69. Attached as Exhibit 68 is a true and correct copy of "A Knowledge based system for VLSI module selection" - Kobayashi/Foo (KBSC 914-917) , produced from the files of KBSC.

70. Attached as Exhibit 69 is a true and correct copy of "Database and Cell Selection Algorithms for VLSI Cell libraries" - Foo/Takefuji (FOO 408-420), which was produced by Mr. Foo.

71. Attached as Exhibit 70 is a true and correct copy of Presentation titled "Under the hood of compile" (SP 0148942-8965), which was produced by Synopsys pursuant to Ricoh's document requests, and which on information and belief was prepared and maintained in the ordinary course of Synopsys' business.

72. Attached as Exhibit 71 is a true and correct copy of KBSC check registers, as redacted, which were produced from the business records of KBSC. On information and belief, this document was created and maintained in the regular course of KBSC's business.

73. Attached as Exhibit 72 is a true and correct copy of Employment/Consulting Agreement (KBSC 2626-2629) which was produced from the business records of KBSC. On information and belief, this document was created and maintained in the regular course of KBSC's business.



1 74. Attached as Exhibit 73 is a true and correct copy of document entitled "Welcome to R&D  
2 at Synopsys, dated 4/18/91, and bates numbered SP 68723-8730, and produced from the files of  
3 Synopsys. On information and belief, this document was created and maintained in the regular course of  
4 Synopsys' business.

5 75. Attached as Exhibit 74 is a true and correct copy of documents Bates numbered RCL  
6 001372-1955; 2055-2119, produced by Ricoh and which were marked by Defendants as exhibits and  
7 authenticated during to Rule 30(b)(6) deposition of Z. Oka on behalf of Ricoh. These documents were  
8 created and maintained in the regular course of Ricoh's business.

9 76. Attached as Exhibit 75 is a true and correct copy of Foo e-mail (FOO 215).

10 77. Attached as Exhibit 76 is a true and correct copy of Ricoh's Supplemental Responses to  
11 Matrox International Corp.'s Interrogatories 3-11, 27 and 33, dated 7/25/06.

12 78. Attached as Exhibit 77 is a true and correct copy of AMIS RTL Handoff Flow (DEF  
13 0018686-689), and produced by AMI Semiconductor. On information and belief, this document was  
14 created and maintained in the regular course of AMI Semiconductor's business.

15 79. Attached as Exhibit 78 is a true and correct copy of ESNUG 267, which is a document  
16 taken from a Synopsys' Users Group web site, and bates numbered RCL 011420-423. On information  
17 and belief, this document was maintained in the regular course of Synopsys' business.

18 80. Attached as Exhibit 79 is a true and correct copy of 6/8/06 Deposition Transcript of R.  
19 Packer, dated June 8, 2006, who was deposed by Ricoh as a Rule 30(b)(6) witness on behalf of  
20 Synopsys.

21 81. Attached as Exhibit 80 is a true and correct copy of a 1991 VHDL Reference Guide,  
22 authored by Steve Carlson of Synopsys, and produced by Synopsys. On information and belief, this  
23 document was created and maintained in the regular course of Synopsys' business.

24 82. Attached as Exhibit 81 is a true and correct copy of an e-mail from E. Andelman to K.  
25 Brothers, dated August 29, 2006.

26 83. Attached as Exhibit 82 is a true and correct copy of Kowalski Thesis (DTH 000137-308).

27 84. Attached as Exhibit 83 is a true and correct copy of Kowalski 85 (DEF 018108-18118).



1 85. Attached as Exhibit 84 is a true and correct copy of a 1989 article titled "KBSC: A  
2 Knowledge Based Approach to Automatic Logic Synthesis," Kobayashi, Suehiro and Shindo (KBSC  
3 000859-872).

4 86. Attached as Exhibit 85 is a true and correct copy of The Grant of the Reexamination  
5 (with respect to Kowalski 84 and 85).

6 87. Attached as Exhibit 86 is a true and correct copy of an Assignment dated January 12,  
7 2988, and Bates numbered RCL 000603-606. This document was obtained from the official records of  
8 the Patent and Trademark Office.

9 88. Attached as Exhibit 87 is a true and correct copy of a KBSC Reference Manual, bates  
10 numbered RCL 002694-2928. This document was produced from Ricoh's business records that were  
11 maintained in the ordinary course of its business.

12 89. Attached as Exhibit 88 is a true and correct copy of a January 15, 1987 contract between  
13 Ricoh and ICC, Bates numbered KBSC 000001-28, and produced from KBSC's business records. On  
14 information and belief, this document was created and maintained in the regular course of KBSC's  
15 business.

16 90. Attached as Exhibit 89 is a true and correct copy of a draft proposal for expansion of  
17 KBSC, Bates numbered KBSC 000225-229 and produced from KBSC's business records. On  
18 information and belief, this document was created and maintained in the regular course of KBSC's  
19 business.

20 91. Attached as Exhibit 90 is a true and correct copy of a KBSC business plan, dated January  
21 13, 1992, Bates numbered KBSC 000312-363 and produced from KBSC's business records. On  
22 information and belief, this document was created and maintained in the regular course of KBSC's  
23 business.

24 92. Attached as Exhibit 91 is a true and correct copy of and End User Software License  
25 Agreement between Synopsys, Inc. and Ricoh Corporation, dated May 22, 1995. (2SP 0708478-8485).

26 93. Attached as Exhibit 92 is a true and correct copy of DesignWare Building Block IP User  
27 Guide (SP 71009-1100).

1 94. Attached as Exhibit 93 is a true and correct copy of a document entitled "The Sot Tricks,  
2 bates numbered SURF 1613-21, marked as an exhibit during the Rule 30(b)(6) deposition of J. Olsen on  
3 Synopsys, and produced from the source code produced by Synopsys to Ricoh. On information and  
4 belief, the source code and information in this document was created and maintained in the regular  
5 course of Synopsys' business..

6 95. Attached as Exhibit 94 is a true and correct copy of the September 12, 2005 Transcript of  
7 (Tape 2).

8 96. Attached as Exhibit 95 is a true and correct copy of a Library of Congress Webpage  
9 (<http://www.loc.gov/about/>).

10 97. Attached as Exhibit 96 is a true and correct copy of an e-mail from K. Brothers to T.  
11 Corbin, dated September 14, 2005, memorializing a stipulation between the parties. Ms. Corbin and Ms.  
12 De Mory later advised me soon thereafter that the stipulation would be acceptable to Synopsys and the  
13 Aeroflex Defendants.

14 98. In reliance upon the parties' agreement in principle during the meet and confer on  
15 September 12, 2005, and the subsequent stipulation, the parties agreed to forego detailed discovery of  
16 the relationship between design and manufacture.

17 99. Attached as Exhibit 97 is a true and correct copy of U.S. Patent No. 5,778,169.

18 I declare under penalty of perjury under the laws of the United States of America that the  
19 foregoing is true and correct.

20 Signed at Washington, D.C. on September 1, 2006.

21 September 1, 2006

22 /s/ Kenneth W. Brothers  
23 Kenneth W. Brothers  
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